

109TH CONGRESS
1ST SESSION

H. R. 476

To amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extra-curricular activities and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mrs. MALONEY (for herself, Ms. DELAURO, Mr. WEINER, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. OWENS, Mr. BERMAN, Mr. LANTOS, Mr. BISHOP of New York, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. BAIRD, Mr. TOWNS, Mr. CROWLEY, Mr. McDERMOTT, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mr. EVANS, Mr. WAXMAN, Mr. SANDERS, Mr. PAYNE, and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extra-curricular activities and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family and Medical
5 Leave Enhancement Act of 2005”.

6 **SEC. 2. ELIGIBLE EMPLOYEE.**

7 Section 101(2)(B)(ii) of the Family and Medical
8 Leave Act of 1993 (29 U.S.C. 2611(2)(B)(ii)) is amended
9 by striking “less than 50” each place it appears and in-
10 serting “fewer than 25”.

11 **SEC. 3. ADDITIONAL ENTITLEMENT TO LEAVE FOR PAREN-**
12 **TAL INVOLVEMENT.**

13 (a) LEAVE REQUIREMENT.—Section 102(a) of the
14 Family and Medical Leave Act of 1993 (29 U.S.C.
15 2612(a)) is amended by adding at the end the following
16 new paragraph:

17 “(3) ENTITLEMENT TO ADDITIONAL LEAVE FOR
18 PARENTAL INVOLVEMENT.—

19 “(A) IN GENERAL.—Subject to section
20 103(f), in addition to leave available under
21 paragraph (1), an eligible employee shall be en-
22 titled to a total of four hours of leave during
23 any 30-day period, and a total of 24 hours of
24 leave during any 12-month period to participate
25 in or attend an activity that—

1 “(i) is sponsored by a school or com-
2 munity organization; and

3 “(ii) relates to a program of the
4 school or organization that is attended by
5 a son or daughter or a grandchild of the
6 employee.

7 “(B) DEFINITIONS.—As used in this para-
8 graph:

9 “(i) SCHOOL.—The term ‘school’
10 means an elementary school or secondary
11 school (as such terms are defined in the
12 Elementary and Secondary Education Act
13 of 1965 (20 U.S.C. 6301 et seq.)), a Head
14 Start program assisted under the Head
15 Start Act (42 U.S.C. 9831 et seq.), and a
16 child care facility licensed under State law.

17 “(ii) COMMUNITY ORGANIZATION.—
18 The term ‘community organization’ means
19 a private nonprofit organization that is
20 representative of a community or a signifi-
21 cant segment of a community and provides
22 activities for individuals described in sub-
23 paragraph (A) or (B) of section 101(12),
24 such as a scouting or sports organiza-
25 tion.”.

1 (b) SCHEDULE.—Section 102(b)(1) of such Act (29
 2 U.S.C. 2612(b)(1)) is amended by inserting after the sec-
 3 ond sentence the following new sentence: “Leave under
 4 subsection (a)(3)(A) may be taken intermittently or on a
 5 reduced leave schedule.”.

6 (c) SUBSTITUTION OF PAID LEAVE.—Section
 7 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is
 8 amended by inserting after “subsection (a)(1)” the fol-
 9 lowing: “or under subsection (a)(3)(A)”.

10 (d) NOTICE.—Section 102(e)(1) of such Act (29
 11 U.S.C. 2612(e)(1)) is amended by adding at the end the
 12 following new sentence: “In any case in which an employee
 13 requests leave under subsection (a)(3)(A), the employee
 14 shall provide the employer with not less than seven days’
 15 notice, before the date the leave is to begin, of the employ-
 16 ee’s intention to take leave under such subsection.”.

17 (e) CERTIFICATION.—Section 103 of such Act (29
 18 U.S.C. 2613) is amended by adding at the end the fol-
 19 lowing new subsection:

20 “(f) CERTIFICATION FOR PARENTAL INVOLVEMENT
 21 LEAVE.—An employer may require that a request for
 22 leave under section 102(a)(3)(A) be supported by a certifi-
 23 cation issued at such time and in such manner as the Sec-
 24 retary may by regulation prescribe.”.

1 **SEC. 4. ENTITLEMENT TO LEAVE FOR CIVIL SERVANTS FOR**
2 **PARENTAL INVOLVEMENT.**

3 (a) LEAVE REQUIREMENT.—Section 6382(a) of title
4 5, United States Code, is amended by adding at the end
5 the following new paragraph:

6 “(3)(A) Subject to section 6383(f), in addition to
7 leave available under paragraph (1), an employee shall be
8 entitled to a total of four hours of leave during any 30-
9 day period, and a total of 24 hours of leave during any
10 12-month period to participate in or attend an activity
11 that—

12 “(i) is sponsored by a school or community or-
13 ganization; and

14 “(ii) relates to a program of the school or orga-
15 nization that is attended by a son or daughter or a
16 grandchild of the employee.

17 “(B) For the purpose of this paragraph:

18 “(i) The term ‘school’ means an elementary
19 school or secondary school (as such terms are de-
20 fined in the Elementary and Secondary Education
21 Act of 1965 (20 U.S.C. 6301 et seq.)), a Head Start
22 program assisted under the Head Start Act (42
23 U.S.C. 9831 et seq.), and a child care facility li-
24 censed under State law.

25 “(ii) The term ‘community organization’ means
26 a private nonprofit organization that is representa-

1 tive of a community or a significant segment of a
2 community and provides activities for individuals de-
3 scribed in subparagraph (A) or (B) of section
4 6381(6), such as a scouting or sports organization.”.

5 (b) SCHEDULE.—Section 6382(b)(1) of such title is
6 amended by inserting after the second sentence the fol-
7 lowing new sentence: “Leave under subsection (a)(3)(A)
8 may be taken intermittently or on a reduced leave sched-
9 ule.”.

10 (c) SUBSTITUTION OF PAID LEAVE.—Section
11 6382(d) of such title is amended by inserting before
12 “, except” the following: “, or for leave provided under
13 subsection (a)(3)(A) any of the employee’s accrued or ac-
14 cumulated annual leave under subchapter I for any part
15 of the 24-hour period of such leave under such sub-
16 section”.

17 (d) NOTICE.—Section 6382(e)(1) of such title is
18 amended by adding at the end the following new sentence:
19 “In any case in which an employee requests leave under
20 subsection (a)(3)(A), the employee shall provide the em-
21 ploying agency with not less than seven days’ notice, be-
22 fore the date the leave is to begin, of the employee’s inten-
23 tion to take leave under such subsection.”.

1 (e) CERTIFICATION.—Section 6383 of such title is
 2 amended by adding at the end the following new sub-
 3 section:

4 “(f) An employing agency may require that a request
 5 for leave under section 6382(a)(3)(A) be supported by a
 6 certification issued at such time and in such manner as
 7 the Office of Personnel Management may by regulation
 8 prescribe.”.

9 **SEC. 5. CLARIFICATION OF ENTITLEMENT TO LEAVE.**

10 (a) IN GENERAL.—Section 102(a)(1) of the Family
 11 and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))
 12 and section 6382(a)(1) of title 5, United States Code, are
 13 each amended by adding at the end the following new sub-
 14 paragraphs:

15 “(E) In order to meet routine family med-
 16 ical care needs, including transportation of a
 17 son or daughter or a grandchild for medical and
 18 dental appointments for annual checkups and
 19 vaccinations.

20 “(F) In order to meet the routine family
 21 medical care needs of elderly individuals who
 22 are related to the eligible employee, including
 23 visits to nursing homes and group homes.”.

24 (b) SCHEDULE.—

1 (1) FAMILY AND MEDICAL LEAVE ACT OF
 2 1993.—The first sentence of section 102(b)(1) of
 3 such Act (29 U.S.C. 2612(b)(1)) is amended by
 4 striking “subparagraph (A) or (B)” and inserting
 5 “subparagraph (A), (B), (E), or (F)”.

6 (2) TITLE 5.—The first sentence of section
 7 6382(b)(1) of such title is amended by striking
 8 “subparagraph (A) or (B)” and inserting “subpara-
 9 graph (A), (B), (E), or (F)”.

10 (c) SUBSTITUTION OF PAID LEAVE.—

11 (1) FAMILY AND MEDICAL LEAVE ACT OF
 12 1993.—Section 102(d)(2)(A) of such Act (29 U.S.C.
 13 2612(d)(2)(A)) (as amended by section 3(c)) is fur-
 14 ther amended by striking “subparagraph (A), (B),
 15 or (C)” and inserting “subparagraph (A), (B), (C),
 16 (E), or (F)”.

17 (2) TITLE 5.—Section 6382(d) of such title (as
 18 amended by section 4(c)) is further amended by
 19 striking “subparagraph (A), (B), (C), or (D)” and
 20 inserting “subparagraph (A), (B), (C), (D), (E), or
 21 (F)”.

22 (d) NOTICE.—

23 (1) FAMILY AND MEDICAL LEAVE ACT OF
 24 1993.—The first sentence of section 102(e)(1) of
 25 such Act (29 U.S.C. 2612(e)(1)) (as created by the

1 amendment made by section 3(d)) is amended by
 2 striking “subparagraph (A) or (B)” and inserting
 3 “subparagraph (A), (B), (E), or (F)”.

4 (2) TITLE 5.—The first sentence of section
 5 6382(e)(1) of such title (as created by the amend-
 6 ment made by section 4(d)) is amended by striking
 7 “subparagraph (A) or (B)” and inserting “subpara-
 8 graph (A), (B), (E), or (F)”.

9 (e) SPOUSES EMPLOYED BY SAME EMPLOYER.—Sec-
 10 tion 102(f)(1) of the Family and Medical Leave Act of
 11 1993 (29 U.S.C. 2612(f)(1)) is amended by striking “sub-
 12 paragraph (A) or (B)” and inserting “subparagraph (A),
 13 (B), (E), or (F)”.

14 (f) CERTIFICATION.—

15 (1) FAMILY AND MEDICAL LEAVE ACT OF
 16 1993.—Section 103 of such Act (29 U.S.C. 2613) (as
 17 amended by section 3(e)) is further amended by add-
 18 ing at the end the following new subsection:

19 “(g) CERTIFICATION FOR ROUTINE FAMILY MED-
 20 ICAL CARE NEEDS.—An employer may require that a re-
 21 quest for leave under subparagraph (E) or (F) of section
 22 102(a)(1) be supported by a certification issued at such
 23 time and in such manner as the Secretary may by regula-
 24 tion prescribe.”.

1 (2) TITLE 5.—Section 6383 of such title (as
2 amended by section 4(e)) is further amended by add-
3 ing at the end the following new subsection:

4 “(g) An employing agency may require that a request
5 for leave under subparagraph (E) or (F) of section
6 6382(a)(1) be supported by a certification issued at such
7 time and in such manner as the Office of Personnel Man-
8 agement may by regulation prescribe.”.

9 **SEC. 6. DEFINITION OF GRANDCHILD.**

10 (a) NON-CIVIL-SERVICE EMPLOYEES.—Section 101
11 of the Family and Medical Leave Act (29 U.S.C. 2611)
12 is amended by adding at the end the following new para-
13 graph:

14 “(14) GRANDCHILD.—The term ‘grandchild’
15 means a son or daughter of an employee’s child.”.

16 (b) CIVIL SERVICE EMPLOYEES.—Section 6381 of
17 title 5, United States Code, is amended—

18 (1) in paragraph (5)(B), by striking “and” at
19 the end;

20 (2) in paragraph (6)(B), by striking the period
21 at the end and inserting “; and”; and

22 (3) by adding at the end the following new
23 paragraph:

1 “(7) the term ‘grandchild’ means a son or
2 daughter of an employee’s child.”.

